

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED STATES POSTAL SERVICE**

**and**

**Case 13-CA-190403**

**AMERICAN POSTAL WORKERS  
UNION LOCAL 4545**

**DECISION AND ORDER**

Statement of the Case

On April 24, 2018, the United States Postal Service (the Respondent), the American Postal Workers Union Local 4545 (the Union or the Charging Party), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.<sup>1</sup>

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.<sup>2</sup>

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

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<sup>1</sup> Chairman Ring is recused and took no part in the consideration of this case.

<sup>2</sup> We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Court of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

## **Findings of Fact**

### **1. The Respondent's business**

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including its office located in Arlington Heights, Illinois.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. § 101 et seq.

### **2. The labor organization involved**

American Postal Workers Union Local 4545 is a labor organization within the meaning of Section 2(5) of the Act.

### **3. The bargaining unit**

The following employees of the Respondent constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Maintenance Employees, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shops Employees, Material Distribution Centers Employees and Operating Services and Facilities Services Employees employed by the Respondent.

Since about 1971 and at all material times, the Respondent has recognized the Charging Party as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from May 21, 2015 to September 20, 2018.

At all material times since 1971, based on Section 9(a) of the Act, the National Union has been the exclusive collective-bargaining representative of the unit.

## **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Arlington Heights, Illinois, its officers, agents, successors, and assigns, shall

### **1. Cease and desist from**

(a) Barring representatives of the Charging Party from using the Charging Party's union office while off the clock because the representatives of the Charging

Party serve as a representative of the Charging Party and engage in concerted activities, and to discourage employees from engaging in these activities.

(b) Failing to furnish the Charging Party with relevant requested information, or in any like or related manner refusing to bargain collectively and in good faith with the Charging Party as the designated servicing representative of the exclusive collective-bargaining representative of the unit at the Respondent's Arlington Heights, Illinois facility.

(c) In any like or related manner interfering with your rights under Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Conduct two mandatory training sessions for all supervisors and managers at the Arlington Heights facility regarding the requirement to timely provide necessary and relevant information to the Union upon its request and notify Region 13 in writing after conducting each session as well as providing a list of attendees and the instructor at each session.

(b) Within 14 days of service by the Region, post copies of the attached notice marked as **Appendix A** at the Respondent's Arlington Heights, Illinois facility. Copies of the notice, on forms provided by Region Thirteen, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(c) Within 21 days after service of this order by the Region, file with the Regional Director a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., May 16, 2018

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Mark Gaston Pearce,                      Member

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Marvin E. Kaplan                      Member

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William J. Emanuel,                      Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

## APPENDIX A

**NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** bar employees from using the Union's office while off the clock because of their activities on behalf of the Union.

**WE WILL NOT** refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE HAVE** provided the Union with the information it requested on December 7, 2016.

**WE WILL** conduct two mandatory training sessions for all supervisors and managers at the Arlington Heights facility (by a member of our Law Department) regarding the requirement to timely provide necessary and relevant information to the Union upon its request, and **WE WILL** notify Region 13 in writing after we have conducted each session, along with a list of attendees and the instructor at each session.

### UNITED STATES POSTAL SERVICE

The Board's decision can be found at [www.nlrb.gov/case/13-CA-190403](http://www.nlrb.gov/case/13-CA-190403) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

